



P.O. Box 310
15 North Main Street
Huntington, Utah 84528

December 20, 2006

Utah Coal Program
Utah Division of Oil, Gas, and Mining
1594 West North Temple, Suite 1210
Salt Lake City, Utah 84114-5801

RECEIVED

DEC 22 2006

DIV. OF OIL, GAS & MINING

Healey
C/O 15/0017

Re Deficiency Response for Post Mining Land Use Change, PacifiCorp, Des-Bee-Dove Mine, C/015/0017, Task ID #2606

PacifiCorp, by and through its wholly-owned subsidiary, Energy West Mining Company ("Energy West") as mine operator, hereby responds to the November 14, 2006 deficiency list of the Division. On August 11, 2006, Energy West submitted an application to amend its post mining land uses of the Des-Bee-Dove Mine permit area. The current land use is grazing and wildlife habitat. The proposed land use is grazing, wildlife habitat, and recreation for its fee lands. For federal and state lands the proposed use is grazing, wildlife habitat, recreation, and industrial/commercial.

Energy West submitted the application utilizing the Division's post mining land use change guidelines to change the land use on all 153.9 acres of permit area. These guidelines discuss post mining land use changes on the permit area. However, the Division has stated that post mine land uses refer to only the disturbed areas of the mine site. Energy West will amend it's present application to include only changes to the disturbed areas of the mine site.

The initial application proposed changing the land use to grazing, wildlife habitat, recreation, and industrial/commercial for all areas. However, after discussing these uses with the Division, Energy West is, as stated above, proposing to change the land uses of all fee lands to grazing, wildlife habitat, and recreation. Federal and state lands is proposed for grazing, wildlife habitat, recreation, and industrial/commercial uses.

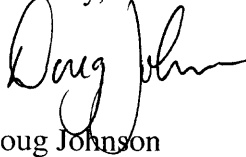
A C1/C2 form is included in this deficiency response to show the proposed changes to the Mining and Reclamation plan for the Des Bee Dove Mine. These changes are as follows:

Volume 1, Part 2, pages 2-220 thru 2-222 (redlined/strikeout sections on page indicate change)

Volume 2, Part 4, pages 4-42 thru 4-44 (replace these pages with the proposed text)

The responses to the deficiencies are attached. At approval, clean copy pages will be sent to the Division for stamped approval. If there are any questions or concerns contact Dennis Oakley at (435) 687-4825.

Sincerely,

A handwritten signature in black ink, appearing to read "Doug Johnson", written over the printed name.

Doug Johnson
Manager of Environmental Affairs

Encl Deficiency response document
 C1/C2 forms
 Volume 1, Part 2, redlined/strikeout pages
 Volume 2, Part 4, amended text for pages 4-42 thru 4-44

APPLICATION FOR COAL PERMIT PROCESSING

Permit Change ☒ New Permit ☐ Renewal ☐ Exploration ☐ Bond Release ☐ Transfer ☐

Permittee: PacifiCorp

Mine: Des-Bee-Dove

Permit Number: C/015/0017

Title: Deficiency Response for Post Mining Land Use Change, PacifiCorp, Des-Bee-Dove Mine, C/015/0017, Task ID #2606

Description, Include reason for application and timing required to implement:

Instructions: If you answer yes to any of the first eight (gray) questions, this application may require Public Notice publication.

- ☐ Yes ☒ No 1. Change in the size of the Permit Area? Acres: _____ ☐ increase ☐ decrease.
- ☐ Yes ☒ No 2. Is the application submitted as a result of a Division Order? DO# _____
- ☐ Yes ☒ No 3. Does the application include operations outside a previously identified Cumulative Hydrologic Impact Area?
- ☐ Yes ☒ No 4. Does the application include operations in hydrologic basins other than as currently approved?
- ☐ Yes ☒ No 5. Does the application result from cancellation, reduction or increase of insurance or reclamation bond?
- ☒ Yes ☐ No 6. Does the application require or include public notice publication?
- ☐ Yes ☒ No 7. Does the application require or include ownership, control, right-of-entry, or compliance information?
- ☒ Yes ☐ No 8. Is proposed activity within 100 feet of a public road or cemetery or 300 feet of an occupied dwelling?
- ☐ Yes ☒ No 9. Is the application submitted as a result of a Violation? NOV # _____
- ☐ Yes ☒ No 10. Is the application submitted as a result of other laws or regulations or policies?
- Explain: _____
- ☒ Yes ☐ No 11. Does the application affect the surface landowner or change the post mining land use?
- ☐ Yes ☒ No 12. Does the application require or include underground design or mine sequence and timing? (Modification of R2P2)
- ☐ Yes ☒ No 13. Does the application require or include collection and reporting of any baseline information?
- ☐ Yes ☒ No 14. Could the application have any effect on wildlife or vegetation outside the current disturbed area?
- ☐ Yes ☒ No 15. Does the application require or include soil removal, storage or placement?
- ☐ Yes ☒ No 16. Does the application require or include vegetation monitoring, removal or revegetation activities?
- ☐ Yes ☒ No 17. Does the application require or include construction, modification, or removal of surface facilities?
- ☐ Yes ☒ No 18. Does the application require or include water monitoring, sediment or drainage control measures?
- ☐ Yes ☒ No 19. Does the application require or include certified designs, maps or calculation?
- ☐ Yes ☒ No 20. Does the application require or include subsidence control or monitoring?
- ☐ Yes ☒ No 21. Have reclamation costs for bonding been provided?
- ☐ Yes ☒ No 22. Does the application involve a perennial stream, a stream buffer zone or discharges to a stream?
- ☐ Yes ☒ No 23. Does the application affect permits issued by other agencies or permits issued to other entities?

Please attach four (4) review copies of the application. If the mine is on or adjacent to Forest Service land please submit five (5) copies, thank you. (These numbers include a copy for the Price Field Office)

I hereby certify that I am a responsible official of the applicant and that the information contained in this application is true and correct to the best of my information and belief in all respects with the laws of Utah in reference to commitments, undertakings, and obligations, herein.

Douglas E. Johnson
Print Name

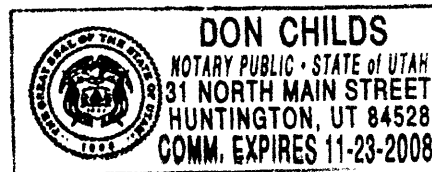
Douglas E. Johnson
Sign Name, Position, Date

Subscribed and sworn to before me this 19th day of December, 2006

[Signature]
Notary Public

My commission Expires: 11/23, 2008

Attest: State of UTAH } ss:
County of Emery



For Office Use Only:

Assigned Tracking
Number:

Received by Oil, Gas & Mining

APPLICATION FOR COAL PERMIT PROCESSING

Detailed Schedule Of Changes to the Mining And Reclamation Plan

Permittee: PacifiCorp

Mine: Des Bee Dove Mine

Permit Number: C/015/0017

Title: Deficiency Response for Post Mining Land Use Change, PacifiCorp, Des-Bee-Dove Mine, C/015/0017, Task ID #2606

Provide a detailed listing of all changes to the Mining and Reclamation Plan, which is required as a result of this proposed permit application. Individually list all maps and drawings that are added, replaced, or removed from the plan. Include changes to the table of contents, section of the plan, or other information as needed to specifically locate, identify and revise the existing Mining and Reclamation Plan. Include page, section and drawing number as part of the description.

DESCRIPTION OF MAP, TEXT, OR MATERIAL TO BE CHANGED

[illegible]

Any other specific or special instruction required for insertion of this proposal into the Mining and Reclamation Plan.

Received by Oil, Gas & Mining

Deficiency Response Document

The following responses to deficiencies are formatted as found in the technical analysis document. They are broken down into logical section headings similar to the R645 regulations. In each section, the regulation number along with the associated deficiency is followed by the Permittee's italicized response.

R645-301-120.200, The submittal contains an aerial photo-map, a legal description of the permit area, copies of the state and federal APD's, a copy of the state's approval of the APD, and letters and other information from Emery County and agencies that manage surface and mineral interest in and adjacent to the permit area. (A copy of the BLM's approval of the APD is not included). The Permittee must clarify if this information is to be placed in the MRP. [JDS]

The above stated information will not be included as part of the Mining and Reclamation Plan. It was included with the application for informational uses only. The application contains specific pages from the Mining and Reclamation Plan that are proposed for change to describe the alternative post mining land use of commercial/industrial and recreation. The pages proposed for change or replacement are Volume 1, Part 2, pages 2-220 thru 2-222 and Volume 2, Part 4, pages 4-42 thru 4-44. A C2 form was included with the application that showed proposed changes to the Mining and Reclamation Plan.

R645-301-413.300 and R645-301-413.310, This application describes a post mining land use change for the entire 154 permit area as described in the Legal Financial Volume, however the 40 acres of fee land are not included in either state or federal mineral leases. Therefore, the 18.42 acres of federal and 7.01 acres of state land is recommended for a change in post mining land use to industrial/commercial, as there is a reasonable likelihood of achieving this post mining land use. • There was no information included with the application to show a route across the drainage, past the former operations pads for commercial use of the site (i.e. the proposed change to pageant route) or to otherwise support the likelihood of achieving an industrial/commercial use of the 10.8 acres of privately held ground. • A recreational use was alluded to in meetings (OHV use) but there was no information in the application to substantiate that recreational use on the privately held ground. Also, the USFS landowner letter does not describe OHV access across federal land for OHV riders to reach the privately held ground. • Therefore, prior to approval, the application must indicate only the acres of disturbed federal and state land to receive the post mining land use change. [PWB]

1. *After a more precise delineation of the disturbed area of the mine site (Phase 1, Phase 2, and Maple Gulch Reclamation areas), the total disturbed area of fee is 9.09 acres or (rounded to the nearest tenth of an acre) 9.1 acres, and federal is 19.82 acres or 19.8 acres. The Phase 3 reclamation area was reclaimed in January 2006 and an aerial survey of the site was completed in September. This data is not available at the present time. Therefore, the state disturbed will remain 7.01 or 7.0 acres, which includes 0.2 acres of disturbed federal (BLM) land.*

The 40 acres of fee land referenced above which is not included in either state or federal mineral leases, currently allows for grazing, wildlife habitat, and recreational use. As

mentioned in the currently approved Mining and Reclamation Plan (Vol 2, Part 4, pg 4-44), cattlemen use the existing trail to herd their cattle to the East Mountain cattle grazing allotments. Volume 1, Part 2, pg 2-220 thru 2-222 discuss the grazing allotments on the southern end of East Mountain. The LDS Church (Castle Valley Pagant) utilizes the trail to re-enact the migration of settlers in the Castle Valley. This re-enactment occurs annually in July. Information on this activity can be acquired from Montell Seely (Pagant Organizer) at:

490 West 300 North
Castle Dale, Utah 84513
Phone: (435) 381-2195

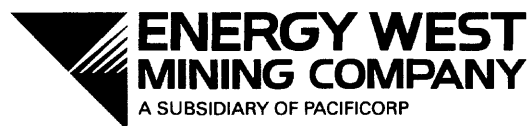
As like the case for cattlemen, the trail is used by recreationalists to access East Mountain. Horseback riders and hikers utilize the trail regularly. Hunters also utilize the trail to hunt big game on the southern end of East Mountain. Therefore, Energy West agrees to reduce the request for post mining land use change from approximately 154.0 acres to only the disturbed areas of the mine. Energy West also agrees to remove the commercial/industrial use PMLU change from the fee land area. The areas in which PMLU changes are proposed and the types of uses that will occur on these lands are outlined as follows:

Total area requested for PMLU change (Refer to Attached Map):

<u>Federal:</u>	19.8 acres (grazing, wildlife habitat, recreation, commercial/industrial)
<u>State:</u>	7.0 acres (grazing, wildlife habitat, recreation, commercial/industrial)
<u>Fee:</u>	9.1 acres (grazing, wildlife habitat, recreation)
Total:	36.8 acres

Pages 4-42 thru 4-44 in Volume 2 is amended to expand the discussion of recreational uses.

2. The suggestion of rerouting the trail to cross the drainage past the former operations pads was influenced by the United States Forest Service. Energy West has no plans or interest to move or relocate the trail from it's existing location to the route proposed by the USFS. However, since the surface is managed by the USFS, they certainly have the right to relocate the trail to a location that they see fit. If that occurs, issues concerning relocation would be addressed at the appropriate time. For now, the trail will not be relocated.
3. At the present time, a recreational use to include off highway vehicles (OHV) is only rumored. OHV club organizers have contacted Energy West to discuss the possibility making the trail compatible to OHV's. However, it is our understanding that this idea has been abandoned because of land owner conflicts on top of East Mountain. Energy West is unaware of any present discussions of an OHV trail.
4. The application has been appropriately corrected to indicate only the acres of disturbed Federal, State, and Fee land that is proposed for post mining land use change. The PMLU changes for each of these parcels of land have been stated herein.



Deficiency Response for Post Mining Land Use Change,
PacifiCorp, Des-Bee-Dove Mine, C/015/0017, Task ID #2606

Replace Volume 1, Part 2, Pages 2-220 thru 2-222
Redline/Strikeout Review Copy (7 each)

The following is reprinted and amended from the approved Des-Bee-Dove Mining and Reclamation Plan, Volume 1, Part 2, Pages 2-220 thru 2-222 and proposed for change:

LAND USE INFORMATION (R614-301-410)

Deseret-Beehive-Little Dove Mines are conglomerated into a single surface mining complex located in a dry wash contributory to Grimes Wash. Mining ~~has its beginning about 1940~~ in the canyon in the late 1800's and ~~has~~ had grown incrementally through the years. ~~No information on production is available (See Page 3-1).~~ Coal production peaked in 1982 at 1.2 million tons mined. Land use prior to mining was grazing and wildlife (local land users). Final reclamation of the mine was completed in January 2006.

The vegetation communities adjacent to the disturbed area are classified as pinyon-juniper along the steep eroded sandstone ledges. Lower elevations are dominated by desert saltbush in Chapeta soils and Mancos shales (see Soil Information).

Topography of the general area dictated its uses; i.e., the lower valleys provided year-round farming and ranching and the higher sediments of the Wasatch Plateau are utilized for summer grazing as it is today.

~~Currently, On the~~ BLM lands ~~in~~ adjacent to the permit area, ~~the~~ livestock use is spring grazing with cattle on the benches (April 1 - June 10). The East Grimes and West Grimes allotments, divided east of Danish Bench, are stocked at 19.4 acres/AUM and 16 acres/AUM for a total of 317 and 263 AUM's respectively. These allotments are judged in fair condition with a downward trend (BLM letter, 1982).

Very little grazing by cattle occurs on the steep slopes above the benches because of the difficult access and scarcity of forage.

The grazing of the USFS lands is confined to East Mountain under an approved rest rotation system (USFS, 1979). Nine permittees graze 486 cattle from June 21 to September 10 for a total of 1,296 AUM's. The range condition is judged good with a static to upward trend. The stocking rate is 11 acres/AUM. All of the cattle use is restricted to the upper slopes and top of East Mountain.

Elk use East Mountain for summer range but winter on the western slopes in the Cottonwood Creek drainage. Mule deer also summer on the mountain and winter on the benches and slopes of the southern and eastern portion of East Mountain from the mouth of Cottonwood Creek around to Rilda Canyon in the Huntington Creek drainage. These ranges are rated as high priority winter range by Utah Division of Wildlife Resources. The US Forest Service has identified the following uses: big game winter range, mining and mineral development and general rangeland (incl. timber and forage). (LRMP 1986) Critical areas are sensitive areas within high priority areas required to sustain and perpetuate deer during crucial periods of their life cycle. Current herd management levels are one deer/20 acres of winter range (UDWR, 1982)(Map 2-18).

The total forage productivity of the pinyon-juniper range on the benches is 100-324 lbs./acre, dry weight. The pinyon-juniper range on the rockland soils of the steep slopes is lower, estimated at 25-100 lbs./acre, dry weight. The desert shrub range productivity is 100-285 lbs./acre, dry weight. See Vegetation section for productivity details.

The BLM also recognizes the sand and gravel resources on these benches and has designated specific areas for excavation and processing to aid in community expansion. The BLM visual resource management system rates the benches as Class IV and the cliff faces as Class III. Both of these classifications allow for modification of the land through man's activities. The USFS also rates the south end of East Mountain as modification or partial retention, a scenic value similar to BLM's Class IV and III respectively.

~~The Land Use Plan for the Wasatch Plateau designates no recreation development or timber sales on East Mountain but does specify the improvement of big game range and protection of watersheds. The south end of the mountain is not in a known oil or gas field and the reserve potential is judged as low.~~ The entire Forest has been affected by the

intense interest in oil and gas exploration and development generated by recent discoveries. The Manti Division contains approximately 1,600 oil and gas leases. The estimated oil and gas resources below the Known Geologic Structures (KGS) for the rest of the Forest have not been released by private industry (LRMP, 1986). As the oil and gas industry expands, the need for well pad development increases. Oil and gas lease holders are entitled to full access to their lease areas as long as the work conducted on these areas is consistent with the surface use plan of operations.

REFERENCES

Bureau of Land Management June 1979. San Rafael Unit Resource Analysis and Management Framework Plan. Price, Utah.

Emery County Zoning Plat Books. Castle Dale, Utah. US Forest Service May 1979. Land Management Plan Ferron-Price Planning Unit. Manti-LaSal National Forest. Price, Utah.

Utah Division of Wildlife Resources May 1982. Utah Big Game Investigations and Management Recommendations 1981-1982. Publication #82.3.

Manti-LaSal National Forest Land and Resource Management Plan 1986.

See land use map in the map section (2-17).

A-1 Agricultural Zone, contains the primary farming areas of the county.

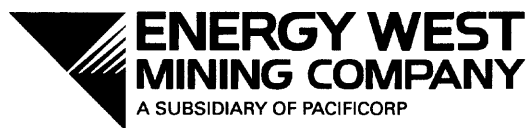
RA-1 Residential-Agricultural Zone, this is the area with the communities and the adjacent or intermixed agricultural lands.

M&G-1 Mining and Grazing Zone, all of the county lands outside of the communities, farming areas and forest service boundary.

I-1 Industrial Zone, specific areas near communities and highways reserved for industrial development.

Ce-1 Critical Environmental Zone, general designation for all private lands within the forest boundary.

Ce-2 Critical Environmental Zone, specific designation for certain land parcels especially those adjacent to recreation sites in the forest.



Deficiency Response for Post Mining Land Use Change,
PacifiCorp, Des-Bee-Dove Mine, C/015/0017, Task ID #2606

Replace Volume 2, Part 4, Pages 4-42 thru 4-44
Redline/Strikeout Review Copy (7 each)

PacifiCorp

Energy West Mining Company

Des-Bee-Dove Mine

C/015/0017

The following is a narrative describing the proposed post mining land use change for the Des-Bee-Dove Mine permit area. This narrative will replace the Reclamation Plan: Post Mining Uses (R645-301-412.100) in Volume 2, Part 4, pages 4-42 through 4-44.

RECLAMATION PLAN: POSTMINING USES (R645-301-412.100)

The disturbed area (portal areas of the Des-Bee-Dove Mines) lies within a small, steep, dry wash. Reclamation work identified within this wash states that disturbances shall be placed back to approximate original contours. Final reclamation of the Des-Bee Dove Mine was completed in January 2006. All areas (including Little Dove/Beehive Pad, Deseret Pad, Bathhouse Pad, Tipple Pad, and Sediment Pond) have been reclaimed to their approximate original contour. A diverse seed mix for revegetation has been planted and should provide equivalent cover for grazing that existed prior to mining.

As part of final reclamation, a "cattle trail" was established to allow the cattlemen to herd their livestock through the mine permit area to access their grazing allotments. This "cattle trail" is also used by horseback rider and hikers to access the upper ranges of the southern end of East Mountain. These users frequently utilize this trail throughout the year for recreational activities. Hunters also utilize the trail to access favorite hunting grounds on the southern end of East Mountain. Hunter typically only use the trail during hunting seasons occurring from August through December.

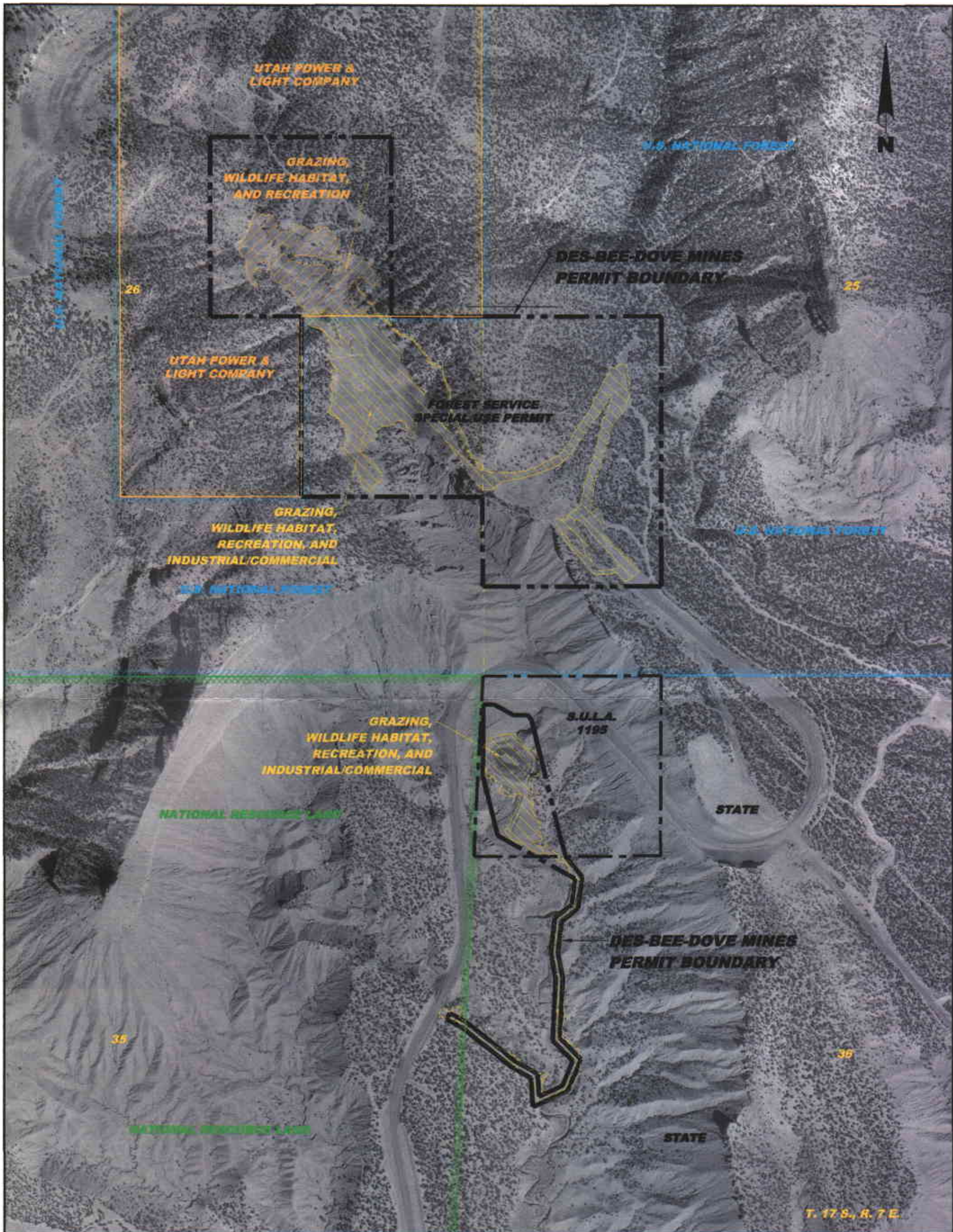
The LDS Church promotes the Castle Valley Pagant to reenact the migration of Morman settlers into the Castle Valley. This reenactment occurs annually every July and is attended by hundreds of visitors. The reenactment starts on top of East Mountain and routes down the cattle trail through the reclaimed mine site and ends at the Castle Valley Pagant site located approximately ½ mile below the mine site.

The land use information of the permit area described in Volume 1, Part 2 (pages 2-220 through 2-222) allows for grazing, wildlife habitat, recreation, and industrial/commercial uses. Land uses after reclamation will remain the same as before mining activities began. The absence of water resources limits the potential of other alternative uses in this area.

The extended period of responsibility will continue for not less than ten (10) years. The applicant feels that in the ten (10) years following mining (bonding period), there is sufficient time to manage the vegetational establishment and growth to meet and achieve the requirements of the postmining land uses set forth within the applicant's reclamation plans found in Appendices XIV,

XV, and XVI.

The areas which have been disturbed and reclaimed are either owned by the applicant or the applicant has obtained a special use permit to utilize the surface from others. Where the applicant is the legal surface owner, the proposed land use is grazing, wildlife habitat, and recreation. The other legal/equitable surface owners are the United States Forest Service, State Institutional Trust Lands Administration, and Bureau of Land Management. The land uses for these lands are grazing, wildlife habitat, recreation, and industrial/commercial. Refer to Map 1-2 in Volume 3 for surface ownership within the Des-Bee-Dove mine permit area. The United States Forest Service special use permit stipulates that upon abandonment that each site will be restored to their natural state insofar as practical and subject to their satisfaction. Said lands have been restored to those standards. The other state and federal lands have been restored to the standards dictated by their respective administrator and the approved reclamation plan.



LEGEND

- DES-BEE-DOVE MINES PERMIT AREA**
- AREA OF POST MINING LAND USE CHANGE**
- U.S. NATIONAL FOREST**
- UTAH POWER & LIGHT COMPANY**
- NATIONAL RESOURCE LAND**



NOTE:

AREA WITHIN DES-BEE-DOVE PERMIT INCLUDES A POST MINING LAND USE OF GRAZING, WILDLIFE HABITAT, RECREATION AND MINERAL DEVELOPMENT (INCLUDING OIL AND GAS DEVELOPMENT)

CAD FILE NAME/DISK#: POST MINING LAND USE.DWG

**ENERGY WEST
MINING COMPANY**
HUNTINGTON, UTAH 84528

**DES-BEE-DOVE MINES
POST MINING LAND USE
AERIAL PHOTOGRAPH**

DRAWN BY:	K. LARSEN	DRAWING #:
SCALE:	AS NOTED	SHEET	1 OF 1
DATE:	JULY 13, 2006	REV.	